

HOUSE No. 432

By Mr. DeLeo of Winthrop, petition of Robert A. DeLeo relative to further clarifying military service under the retirement laws. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO FURTHER CLARIFYING MILITARY SERVICE UNDER THE RETIREMENT LAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Paragraph (h) of subdivision (1) of section 4 of chapter 32 of
2 the General Laws, as appearing in the 2002 Official Edition, is
3 hereby amended by striking out the words contained in
4 paragraph (h), and inserting in place thereof the following:—
5 “Notwithstanding the provisions of this chapter or any other
6 general or special law, retirement system as defined in section one
7 who served in the armed forces of the United States and who has
8 completed ten or more years of membership service shall be enti-
9 tled to credit for active service in the armed services of the United
10 States; provided, however, that such active service shall not be
11 credited until such members has paid into the annuity savings
12 fund of such system, in one sum or in installments, upon such
13 terms and conditions as the board may prescribe, makeup pay-
14 ments of an amount equal to the ten percent of the regular annual
15 compensation of the member when said member entered the
16 retirement system; and, provided further, that such creditable
17 service shall not be allowed for any period of active service for
18 which said member has received a federal military pension. This
19 act shall apply to the Massachusetts National Guard and Active
20 Reserve personnel, both former and present. Creditable service
21 time, both enlisted and commissioned may be applied toward
22 retirement on a ration of five years guard service or five years
23 active reserve service substitutable for each year active service.

24 Any service credited to a veteran, pursuant to the preceding para-
25 graph, shall not count toward the service credited pursuant to this
26 paragraph. Creditable service for veteran's service and military
27 service shall not exceed four years, in total.

28 For the retirement system of any political subdivision, the pro-
29 vision of this act shall take effect on the effective date of this act
30 by majority vote of the board of such system and by the local leg-
31 islative body. For the purpose of this paragraph, local legislative
32 body shall mean a town meeting, a town system, the city council
33 subject to the provisions of its charter for a city system, the
34 county commissioners for a county system, the district members
35 for a district system, and governing body of an authority for an
36 authority system. Acceptance shall be deemed to have occurred
37 upon the filing of a certification of such vote with the commis-
38 sioner.

39 Members in service of a retirement system eligible for said
40 creditable service under this act shall make application for said
41 creditable service within 180 days of being notified by the retire-
42 ment system, or for currently eligibility members, within 180 days
43 of the acceptance of this act by the local legislative body.

44 Terms used in this act shall have the same meaning as those
45 terms defined in section 1 of chapter 32 of the General Laws, as
46 appearing in the 2002 Official Edition.